

Message Text

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44

ACTION EB-11

INFO OCT-01 EUR-25 NEA-10 IO-13 ADP-00 SSO-00 NSCE-00

USIE-00 INRE-00 AF-10 ARA-16 EA-11 RSC-01 DOTE-00

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

PA-03 PRS-01 SS-15 CAB-09 COME-00 FAA-00 SY-10 USSS-00

SCA-01 JUSE-00 OIC-04 RSR-01 /175 W
----- 075082

O P 131747Z AUG 73

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC IMMEDIATE 3691

INFO AMEMBASSY BEIRUT PRIORITY

UMEMBASSY TEL AVIV PRIORITY 113

AMEMBASSY MOSCOW PRIORITY

USMISSION USUN NEW YORK PRIORITY

UNCLAS MONTREAL 1634

MOSCOW FOR DILLON - USREP ICAO

FROM ALTERNATE USREP ICAO

E. O. 11652: N/A

TAGS: ETRN, CA

SUBJ: ISRAELI-MEA INCIDENT

1. THE PRESIDENT OF THE COUNCIL OF ICAO ADVISED THIS MORNING THAT HE HAD RECEIVED A COMMUNICATION FROM THE GOVERNMENT OF LEBANON CONCERNING INTERCEPTION OF A LEBANESE AIRCRAFT BY ISRAEL MILITARY FIGHTERS. HE IS PLANNING TO CONVENE AN EXTRAORDINARY SESSION OF THE COUNCIL OF ICAO AT 1430, 20 AUGUST 1973 PROVIDING THAT SIXTEEN MEMBERS OF THE COUNCIL AGREE. HE REQUESTS U.S. VIEWS AS SOON AS POSSIBLE.

2. THE PRESIDENT WAS KIND ENOUGH TO PROVIDE THE U.S. DELEGATION WITH A COPY OF THE TELEGRAM FROM LEBANON. TEXT FOLLOWS:

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3. QUOTE I HAVE THE HONOUR ON ORDER OF MY GOVERNMENT TO INFORM YOU AS FOLLOWS: ON 10 AUGUST 1973 AN AIRCRAFT, TYPE CAGAVELLE SE-210, BELONGING TO THE LEBANESE COMPANY MIDDLE EAST AIRLINES - AIR LIBAN, CHARTERED BY IRAQI AIRWAYU FOR THE ROUTE BEIRUT-BAGHDAD TOOK OFF FROM BEIRUT INTERNATIONAL AIRPORT AT 1835 UT. THREE MINUTES LATER IT WAS INTERCEPTED BY FIGHTERS WHICH FORCED TO FOLLOW THEM SOUTHWARDS. FIFTH-FIVE MINUTES LATER THE CARAVELLE WAS ORDERED TO LAND AT RAMAT DAVID AIRFIELD, AN ISRAELI MILITARY AIRPORT. AFTER LANDING THE AIRCRAFT WAS INVADDED BY 50 ARMED SOLDIERS WHO ASKED THE PASSENGERS TO PLACE THEIR HANDS ON THEIR HEADS AND EVACUATE THE AIRCRAFT, THE WOMEN AND CHILDREN BEING SEPARATED FROM THE MEN. AFTER THE ISRAELI AUTHORITIES HAD INTERROGATED THE PILOT-IN-COMMAND AND THE CHIEF STEWARD THE PASSENGERS WERE REQUESTED TO BOACD THE AIRCRAFT WHICH WAS CLEARED TO RETURN ITO BEIRUT AND LANDED AT 2215 UT ON 10 AUGUST 1973.

4. THIS ISRAELI ACTION CONSTITUTES AN UNQUALIFIED ACT OF AGGRESSION PERPETRATED AGAINST LEBANESE AVIATION AND CREATES A VERY SERIOUS SITUATION LIKELY TO IMPEDE AIR NAVIGATION. IT CONSTITUTES A FLAGRANT ATTACK ON THE AIMS AND OBJECTIVES OF ICAO; THIS ACT BY ISRAEL IS IN CONTRADICTION WITH THE SPIRIT AND THE LETTER OF THE CHICAGO CONVENTION PARTICULARLY THE PREAMBLA AND ARTICLE 44 A) WHICH ASSIGNS AS AN OBJECTIVE OF THE ORGANIZATION THE SAFE AND ORDERLY GROWTH OF INTERNATIONAL CIVIL AVIATION THROUGHOUT THE WORLD. FURTHERMORE, THE ACT 1) CONSTITUTES A FLAGRANT AGGRESSION ON THE SOVEREIGNTY OF LEBANON OVER ITS AIRSPACE RECOGNIZED IN ARTICLE 1 OF THE CICALO CONVENTION; 2) THE PRESENCE OF ISRAELI FIGHTERS ESPECIALLY AT NIGHT IN CIVIL CONTROLLER APPROACH AND TAKE-OFF ZONES OF THE BEIRUT INTERNATIONAL AIRPORT CONSTITUTES A GRAVE THREAT TO THE SAFETY OF AIR TRAFFIC AND OF PASSENGERS ON BOARD AIRCRAFT; 3) ARTICLE 44 D) OF THE CHICAGO CONVENTION WHICH STIPULATES THAT THE AIM OF THE ORGANIZATION IS TO DEVELOP AIR TRANSPORT ON SOUND ECONOMIC BASES AND MEET THE NEEDS OF THE PEOPLES OF THE WORLD FOR SAFE, REGULAR, EFFICIENT AND ECONOMICAL AIR TRANSPORT. IN ADDITION THE ACT COMMITTED BY ISRAEL FLOUTS THE DECISIONS AND RECOMMENDATIONS OF INTERNATIONAL AUTHORITIES AND PARTICULARLY 1) UN SECURITY COUNCIL RESOLUTION NO. 262 OF 31 DECEMBER 1968 WHICH CONDEMNED

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ISRAEL FOR ITS PREMEDITATED ATTACK ON BEIRUT INTERNATIONAL AIRPORT; 2) ASSEMBLY RESOLUTION A19-1 WHICH CONDEMNED THE ISRAELI ACTION IN DESTROYING A LIBYAN CIVIL AIRCRAFT WITH THE LOSS OF 108 INNOCENT LIVES; 3) THE RESOLUTION OF THE COUNCIL OF ICAO AT THE FOURTH MEETING OF ITS 79TH SESSION ON 4 JUNE 1973, WHICH AFTER EXAMINATION OF THE REPORT OF THE INVESTIGATION TEAM ON THE DESTRUCTION OF THE LIBYAN AIRCRAFT STRONGLY CONDEMNED ISRAEL FOR ITS INHUMAN ACT AND URGED IT TO COMPLY WITH THE

AIMS AND OBJECTIVES OF THE CHICAGO CONVENTION; 4) THE RECOMMENDATION MADE BY THE COUNCIL OF ICAO ON 22 JUNE 1966 AT THE 9TH MEETING OF ITS 58TH SESSION TO IMPRESS AGAIN ON CONTRACTING STATES THE DESIRABILITY OF AVOIDING THE INTERCEPTION OF CIVIL AIRCRAFT AND TO USE INTERCEPTION PROCEDURES ONLY AS A LAUT RESORT, THIS RECOMMENDATION BEING, FURTHERMORE RECALLED BY THE COUNCIL AT THE 5TH MEETING OF ITS 79TH SESSION ON 6 JUNE 1973 WHICH ALSO DECIDED TO INVITE THE CONTRACTING STATES TO LIMIT INTERCEPTION TO CASES WHERE IT IS NECESSARY TO ENSURE THE SAFETY OF THE FLIGHT. IN VIEW OF THE ABOVE THIS ACT OF UNLAWFUL INTERFERENCE PERPETRATED BY THE REGULAR AIR FORCE OF A MEMBER STATE OF THE UN AND OF ICAO AGAINST A CIVIL AIRCRAFT IS EVEN MORE SERIOUS THAN THE CASES OF UNLAWFUL INTERFERENCE WHICH ARE THE SUBJECT OF THE TOKYO, MONTREAL AND HAGUE CONVENTIONS.

5. SINCE THIS ACT CONSTITUTES A SERIOUS VIOLATION OF THE PETTER AND THE SPIRIT OF THE CONVENTION AND IS NOT THE FIRST SUCH ACT COMMITTED BY ISRAEL, WE REQUEST YOU IN ACCORDANCE WITH ARTICLE 54 N) OF THE CONVENTION AND RULE 20 OF THE RULES OF PROCEDURE OF THE COUNCIL TO CONVENE THE COUNCIL AS SOON AS POSSIBLE IN EXTRAORDINARY SESSION WITH A VIEW TO TAKING APPROPRIATE ACTION AGAINST ISRAEL FOR ITS PREMEDITATED AGGRESSION AGAINST LEBANESE AVIATION AND FOR FAILURE TO RESPECT INTERNATIONAL RECOMMENDATIONS AND CONVENTIONS AND AGREEMENTS GOVERNING THE SAFETY OF INTERNATIONAL: CIVIL AVIATION. END QUOTE.

6. WILL APPRECIATE RECEIVING US VIEWS AS SOON AS POSSIBLE.
TOPPING

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NNN

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